



FSN-PW 0002

ENFORCEMENT OF INLAND FISHERIES REGULATIONS AND LAW IN OYO STATE

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This paper was prepared for presentation at the 25th Annual International Conference and Exhibition in Administrative Staff College of Nigeria (ASCON), Topo-Badagry, Lagos, Nigeria, 25th – 29th October, 2010.

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ABSTRACT

The study assesses the enforcement of Inland Fisheries Regulations and Laws in Oyo State. This was done with a view to ascertaining the existence of regulations and laws that govern the inland waters of the state; the agents that are responsible to carry out the enforcement and the problems militating against the effectiveness of enforcement in the state, in order to provide relevant information for policy formulation and management of fishery resources. Information was gathered from secondary sources which include edicts for the state, journals and mass media reports. Personal interview with government fisheries officials and fishermen was also conducted. The research findings revealed that Oyo State has only fishing by-laws. The study also reveals that fishermen's co-operatives were the enforcement agents in the state. There was no record of arrest during the period of the study. Problems such as non-availability of surveillance and arresting equipment, lack of trained law enforcement fisheries officers were identified. The paper elaborates on possible management strategies of inland waters as a prelude towards increased fish production in the State.

INTRODUCTION

Fisheries have substantial social and economic importance. It is estimated that 12.5 million people are employed in activities related to fishing and the value of fish traded internationally has been estimated at US\$ 40 billion per annum for the early nineties (FAO, 1997). Some authors even refer to the fishery as a 'bank in the water' (IWMI 2007), because it provides saleable products with relatively low dependence on harvesting seasons, compared with farming.

The tremendous increase in demand for fish as an important source of protein and as raw material for production of animal feed has brought about the necessity for increased fish production in many parts of the world. Association with fish production is a corresponding increased either in effort to catch the fish or improvement in catching ability of gear or craft. Fish being a living resource is not limited even in the sea. Prior to 1945, fish was thought to be on infinite resource in aquatic environments. Fish was exploited as a common property under jurisdiction of nobody. This concept of common property coupled with human population increase and growing intensity of fishing effort and catch between 1975 and to date has led to accelerated depression of stock and collapse of some important fisheries. It is generally accepted that without management, the benefits that most fisheries produce will diminish. This is the "tragedy of the commons" (Hardin 1968) argument, and it is now clear that a tragedy will occur in the absence of management, whether that management comes from

central government or local communities. In many cases, the resources will even become commercially extinct (that is, even though some members of the species survive, they are not worth fishing for). In extreme cases, they may become biologically extinct. This possibility of biological or economic extinction has only recently been appreciated.

The goals of management are, first, to prevent biological and commercial extinction, and, second, to optimize the benefits derived from the fishery over an indefinite period. Neiland *et. al.*, (2002) identified four key issues confronting the management and sustainability of the fisheries in the Lake Chad Basin and which have general application and relevance to Nigerian inland fisheries in general. These include mainly environmental change, exogenous factors, fisheries management and fisheries policy and implementation.

In theory (*de jure*) and practice (*de facto*), a number of authorities participate and indeed overlap to various degrees in the management of inland fisheries resources in Sub-Saharan Africa (Bene, *et. al.*, 2003; Neiland *et. al.*; 2002). Fisheries management encompasses both investment and regulation. According to Panayotou (1982) and host of others, fisheries management should not be seen alone as a means of resource management through the control of fishing activity which seek merely to ensure the most favorable stock condition for achieving a maximum sustainable yield (MSY) (which is biological) but also a means of obtaining a maximum economic yield (MEY) (that is, the socio-economic aspect of the fishing industry). This was in agreement with Pollnac (1981) and Ponayotou (1982) who affirmed that if management is defined in terms of its functions including that of allocation of capital and labor, then either on increased or a decrease in capital and labor is an act of management.

A review of the background of fish production of our inland fisheries in

Nigeria revealed their need for management in order to make the best possible use of the productive resources and to ensure equitable distribution of the resources among the fishing community. FAO (1984) observed that the optimal use of the resources being exploited can be realized through improved production, management, and conservation reduced wastage and by greater production from under used or unexploited species and 'aquaculture'. This will however influence their contribution to National, Economic, Social and Nutritional goals. Advanced countries are not left out, as the problem also exacerbate within Europe, as there is pressure on European Union countries to improve the status of rivers and lakes to meet their obligations towards protection of biodiversity (Cowx and Gerdeaux 2004).

Ita (1993) revealed that foreign observers frequently observed that fishing in Africa lakes, rivers and their associated wetlands is usually haphazard due to the fact that there are usually no laws and regulations controlling the exploitation of the most Africa inland waters. Even where such laws and regulations exist, they are not often enforced. Because of less emphasis given to inland water management, inland fisheries regulation in Nigeria is relatively still infancy.

There have been diverse studies on the regulation and laws of the inland water sources but no attempt have been made on how effective the enforcement of the laws has been. This is probably due to the fact that the Inland Fisheries Decree has just been promulgated. Therefore, knowledge of the inland fisheries laws and regulations existing in the states, the enforcement agencies and the status of the law and regulation is needed for effective management of our inland waters. This will enable the government to detect any flaws and lapses in the state and then render assistance in any way they could. The study was designed with the following objectives to:

1. Identify the types of fishing methods in the state,
2. Ascertain the existing laws and regulations governing the inland waters of Oyo state,
3. Identify the agents that are responsible for enforcing such laws,
4. Identify problems that are militating against the effectiveness of enforcement and
5. Provide useful recommendation to the state government the management of fisheries resources.

MATERIALS AND METHOD

The secondary data include edicts for the state, journals and mass media reports. The bulk of information for this data was collected from the Ministry of Agriculture and Natural Resources Fisheries Department (MANR) in the state. The Federal Republic of Nigeria is bordered by Benin, Chad, Cameroon and Niger and has a coastline of 853 km which borders the Atlantic Ocean in the Gulf of Guinea. The limits of Nigeria's territorial waters and exclusive economic zone (EEZ) are 12 nautical miles (nm) and 200 nm respectively. The total area of the continental shelf in the EEZ is approximately 37 900 km² (FAO, 2007) but the flats are interrupted coast-wide by unburied fossil corals at 40-120 m depth. Canyons off Lagos, Mahin and Calabar also interrupt the shelf. Apart from these interruptions and some off shore oil prospecting installations the shelf is considerably trawlable (Ogbonna, 2001). The study was carried within the catchment's area of Oyo states.

RESULTS AND DISCUSSION

Fishing nets such as beach seine net, gill net, cast net are the commonest fishing methods used among the artisanal fishermen in Oyo State. Meshes are incredibly small generating a lot of drag

with high hanging ratio which reduced mesh opening and gear efficiency. Other fishing methods include hook and line, stream weirs, and traps. Obnoxious methods like use of poisonous chemicals for fishing are also rampant in the State.

The inland water of Oyo State is being governed by bye-laws. This is also a fishing law and regulation but restricted to a particular inland water body. That of Eleiyele Lake was formulated in 1985 and then reviewed in 1989. It made provision for the following: Fishing permit, Night fishing regulation, Cast net fishing method, and General guide for fishermen and dealers with Penalties. Oyo State bye-laws have not been legalized. The implication of this is that the defaulters could not be prosecuted, therefore making enforcement non-effective in the State. The fishermen are ignorant of the existence of the laws and regulations in the State due to inadequate publicity. Moreover, some of these fishermen did not belong to any of the co-operative society in their communities which could serve as a medium of information about the existing laws and regulations. Oyo State bye-laws are not comprehensive. For example, in Eleyele Lake bye-laws there is no provision for laws and regulations on the use of chemicals, declaration of catch, closed and open season. Other aspects of lake management and development like, manipulation of habitat/habitat improvement of the lake and management of fish population and their food supply are not also included.

There was no record of arrest due to the absence of trained staff. The staff strength at the time of this survey was very low. Equipment such as outboard engine, fishing boats, flying boats, and divers' suit is not available for proper surveillance and arresting. It was however revealed that the fishermen cooperative and the fisheries officers are the stake holders in enforcing these bye-laws. Any defaulters caught by

the fishermen were usually taken to the chairman of the group and fine collected goes into the purse of the co-operatives. A fishery officer in Oyo State revealed that arrest and prosecution are sometimes not possible due to the intervention of "people". Most of the poachers also work on the principle of aiding and abetting thereby making enforcement ineffective.

Effective enforcement has been hampered due to lack of a constituted body that can be regarded as law enforcement agents. This study also showed that, most of the fishermen are illiterate and therefore, it is difficult to pass information to them

For effective enforcement, fisheries officers should be well trained and equipped to perform the role of enforcing fisheries laws and regulations. These government officers must be trained to swim and the water waves should be canalized for easy accessibility and transportation. Equipment like, outboard engine, weighing balance, fishing boats are lacking in the state should be provided. In order to pass information to the fishermen, there should be induction courses with emphasis on the need to manage fishery resources. Such courses should include education through fisheries fairs, exhibition, display and general exposition on fisheries. Licensing and registration of fishermen if well implemented could serve as a means of generating revenue.

The State edict should be translated into the local languages for easier and effective communication.

CONCLUSION

Enforcing fisheries regulations and laws is a hazardous operation, which often leaves all sides dissatisfied. But it should be realized that present and future potential for producing large quantity of fish and food, incomes, employment generation as well as for foreign exchange would depend upon man's learning to take care of the

environment by instituting appropriate regulation and laws and then enforcing such laws.

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